



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

June 9, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Uniform Formulary Beneficiary Advisory
Panel Charter Renewal

The Office of the Under Secretary of Defense (Personnel and Readiness) has requested the charter for the Uniform Formulary Beneficiary Advisory Panel to be renewed (Attached).

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the Under Secretary's request, and has determined that renewing this non-discretionary committee's charter is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this non-discretionary advisory panel is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The Panel, through its membership, continues to provide independent advice to the Department of Defense, the Assistant Secretary of Defense (Health Affairs) and the Director, TRICARE Management.

The Panel's membership is determined by the Department of Defense. Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time employees of the federal government, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109. These Panel members serving as Special Government Employees shall be appointed on an annual basis by the Secretary of Defense, and shall with the exception of travel and per diem for official travel, serve without compensation, unless otherwise authorized by the Secretary of Defense.

The Panel is authorized to establish subcommittees, and the Panel, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the Panel's charter with the Library of Congress and the appropriate congressional committees, the

Department of Defense respectfully requests that the Committee Management Secretariat review and approve the charter (attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter, please contact me at 703-601-6128.

A handwritten signature in black ink, appearing to read "James D. Freeman II". The signature is stylized with a large, looping "J" and "F".

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

2 Attachments
As stated

CHARTER
UNIFORM FORMULARY BENEFICIARY ADVISORY PANEL

- A. Official Designation: The Committee shall be known as the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel).
- B. Objectives and Scope of Activities: The Panel, under the provisions of 10 U.S.C. § 1074g(c), and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness), the Assistant Secretary of Defense (Health Affairs) and the Director, TRICARE Management Activity, independent advice and recommendations on the development of the uniform formulary. The Under Secretary of Defense (Personnel and Readiness) or designated representative may act upon the Panel's advice and recommendations.
- C. Panel Membership: The Panel shall be composed of not more than fifteen members. Under the provisions of 10 U.S.C. § 1074g(c)(2), the Panel members shall include members that represent (a) non-Government organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries; (b) contractors responsible for the TRICARE retail pharmacy program; (c) contractors responsible for the national mail-order pharmacy program; and (d) TRICARE network providers.

Panel Members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Panel Members shall be appointed on an annual basis by the Secretary of Defense, and shall, with the exception of travel and per diem for official travel, serve without compensation. The Panel Members shall select the Panel Chairperson from the total membership.

- D. Panel Meetings: The Panel shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Panel meetings is four per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Panel and subcommittee meetings.

The Panel shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Panel, and shall report their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Panel nor can they report directly to the Agency or any Federal officers or employees who are not Panel members.

- E. Duration and Termination of the Panel: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.

- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the TRICARE Management Activity, shall provide support as deemed necessary for the performance of the Panel's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix, as amended.
- G. Termination Date: The Panel shall terminate upon completion of its mission or two years from the date of this filed Charter, whichever is sooner unless the Secretary of Defense extends it.
- H. Operating Costs: It is estimated that the annual operating costs, to include travel costs and contract support, for this Panel is \$128,000.00. The estimated annual personnel costs to the Department of Defense are 1.0 full-time equivalent (FTEs).
- I. Recordkeeping: The records of the Committee and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Charter Filed: